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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

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IN RE APPLE IPHONE ANTITRUST  
LITIGATION

No. 4:11-cv-06714-YGR

15

STIPULATION AND ~~PROPOSED~~ ORDER  
MODIFYING SCHEDULE

16

DONALD R. CAMERON, et al.,

No. 4:19-cv-03074-YGR

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Plaintiffs,

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v.

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APPLE INC.

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Defendant.

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1 Pursuant to Civil Local Rule 6-2, Plaintiffs in the above-captioned actions, including  
 2 Plaintiffs Robert Pepper, Stephen H. Schwartz, Edward W. Hayter, and Edward Lawrence, plaintiffs  
 3 in *In re Apple iPhone Antitrust Litigation*, Case No. 4:11-cv-06714-YGR (collectively, “Consumer  
 4 Plaintiffs”); Plaintiffs Donald R. Cameron, Pure Sweat Basketball, Inc., and Barry Sermons,  
 5 plaintiffs in *Cameron, et al. v. Apple Inc.*, Case No. 4:19-cv-03074-YGR (collectively, “Developer  
 6 Plaintiffs”); and Defendant Apple Inc. (“Defendant”) (collectively, the “Parties”), by and through  
 7 their respective counsel, hereby agree as follows:

8 WHEREAS, on January 9, 2020, this Court entered a Revised Case Management and Pretrial  
 9 Order (ECF No. 84 (Case No. 4:19-cv-03074-YGR); ECF No. 198 (Case No. 4:11-cv-06714-YGR));

10 WHEREAS, pursuant to this Revised Case Management and Pretrial Order, among other  
 11 events and deadlines, class certification motions and supporting expert reports are due on September  
 12 30, 2020, class certification opposition and supporting expert reports are due on December 7, 2020,  
 13 and class certification replies are due on January 8, 2021 (*see id.*);

14 WHEREAS, because of the current worldwide COVID-19 pandemic, the Parties, their  
 15 counsel, their employees, and their expert consultants have been and are currently under travel  
 16 restrictions, “shelter in place” orders, and other congregation limitations in California and elsewhere  
 17 and are, in some cases, now caring for young children during business hours in addition to diligently  
 18 working on this litigation;

19 WHEREAS, despite restrictions associated with the COVID-19 pandemic, the Parties have  
 20 been working diligently on discovery, but, among other things, the restrictions have made the  
 21 Parties’ collection, review, and production of documents and data more challenging;

22 WHEREAS, Defendant communicated to Consumer Plaintiffs and Developer Plaintiffs on  
 23 February 10, 2020 and thereafter that it expects to substantially complete production of documents  
 24 and data in July 2020 but was hoping to do so sooner, and on April 23, 2020 stated that it would  
 25 substantially complete production by July 31, 2020;

26 WHEREAS, in light of the foregoing, Developer Plaintiffs and Consumer Plaintiffs have  
 27 concluded, given careful consideration of the estimated substantial volume of the data and  
 28 documents that have been and will be produced, that they and their experts will require additional

1 time than that afforded by the current deadline of September 30, 2020, between substantial  
 2 completion of production of documents and data by Defendant, which are critical to their class  
 3 certification motions and reports, and the deadline for submission of their class certification motions  
 4 and supporting experts' reports, including time: to process, clean, and review the data and  
 5 documents; to obtain answers from Defendant to questions about the meaning and structure of the  
 6 data; to propound follow-up written discovery and take depositions (both depositions pursuant to  
 7 Rule 30(b)(1) and Rule 30(b)(6)); and then to incorporate analysis of the discovery into their class  
 8 certification expert reports and motions;

9       WHEREAS, the Parties thus believe that good cause exists for an extension of approximately  
 10 four months (126 days) on the deadline for class certification motions and supporting expert reports  
 11 that are currently due on September 30, 2020, as well as corresponding extensions (126 days for  
 12 each) on subsequent associated pretrial deadlines;

13       WHEREAS, the Parties have not previously requested an extension to the class certification  
 14 deadlines;

15       WHEREAS, the Revised Case Management and Pretrial Order also sets certain trial-related  
 16 dates and deadlines in 2022, including a Compliance Hearing set for January 28, 2022, a Joint  
 17 Pretrial Conference Statement due on February 4, 2022, a Pretrial Conference on February 18, 2022,  
 18 and a Trial Date of March 7, 2022 (ECF No. 84 (Case No. 4:19-cv-03074-YGR); ECF No. 198 (Case  
 19 No. 4:11-cv-06714-YGR));

20       WHEREAS, due to the proposed four-months extensions on the class certification and  
 21 associated deadlines discussed *supra*, the Parties believe that these trial-related deadlines and dates  
 22 should also be extended by approximately four months (126 days);

23       WHEREAS, pursuant to Civil Local Rule 6-2(a)(2), the previous time modifications in  
 24 Consumer Plaintiffs' case are as follows (ECF numbers correspond to the Consumer Plaintiffs'  
 25 docket in Case No. 4:11-cv-06714-YGR):

- 26       1. On March 29, 2012, the Court granted a motion to shorten time on briefing and  
 27 hearing of Consumer Plaintiffs' Motion for Appointment of Interim Class Counsel  
 28 (ECF No. 31);

- 1           2. On April 13, 2012, the Court extended Apple's time to respond to Consumer  
 2           Plaintiffs' Consolidated Complaint and extended time to file an opposition brief (ECF  
 3           No. 35);  
 4           3. On May 14, 2012, the Court extended Apple's deadline for filing its reply in support  
 5           of its motion to dismiss Consumer Plaintiffs' Consolidated Complaint (ECF No. 49);  
 6           4. On July 25, 2012, the Court extended Consumer Plaintiffs' time to file an Amended  
 7           Complaint (ECF No. 77);  
 8           5. On October 18, 2012, the Court extended Apple's time to respond to Consumer  
 9           Plaintiffs' Amended Consolidated Class Action Complaint (ECF No. 83);  
 10          6. On November 15, 2012, the Court extended the briefing schedule on Apple's motion  
 11          to dismiss Consumer Plaintiffs' Amended Consolidated Complaint (ECF No. 93);  
 12          7. On January 24, 2013, the Court continued the hearing on Apple's motion to dismiss  
 13          Consumer Plaintiffs' Amended Consolidated Class Action Complaint (ECF No. 105);  
 14          8. On September 11, 2013, the Court extended by seven days Apple's deadline to  
 15          respond to Consumer Plaintiffs' Second Amended Complaint (ECF No. 114);  
 16          9. On September 5, 2019, the Court continued the Case Management Conference from  
 17          September 13, 2019 to October 7, 2019 (ECF No. 170);  
 18          10. On January 9, 2020, the Court continued a further case management conference from  
 19          January 13, 2020 to August 3, 2020 (ECF No. 197); and  
 20          11. On March 26, 2020, the Court extended the deadline to complete private mediation to  
 21          July 30, 2020 (ECF No. 205);

22          WHEREAS, pursuant to Civil Local Rule 6-2(a)(2), the previous time modifications in  
 23          Developer Plaintiffs' case are as follows (ECF numbers correspond to the Developer Plaintiffs'  
 24          docket in Case No. 4:19-cv-03074-YGR):

- 25          1. On September 5, 2019, the Court continued a case management conference from  
 26          September 13, 2019 to October 7, 2019 (ECF No. 46);

2. On September 16, 2019, the Court extended time for Apple to answer the complaint filed by Plaintiffs Donald R. Cameron and Pure Sweat Basketball, Inc. (ECF No. 48);
  3. On January 9, 2020, the Court continued a further case management conference from January 13, 2020 to August 3, 2020 (ECF No. 84); and
  4. On March 26, 2020, the Court extended the deadline to complete private mediation to July 30, 2020 (ECF No. 89).

WHEREAS, the Parties respectfully submit that good cause exists to continue the class certification and other deadlines as discussed in this stipulation.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED among the Parties, through their respective counsel and subject to approval of the Court, to the entry of an Order providing that the schedule shall be modified as follows:

## **PRETRIAL SCHEDULE**

<b>EVENT</b>	<b>PRESENT DEADLINE</b>	<b>PROPOSED DEADLINE</b>
Further Case Management Conference	Monday, August 3, 2020 at 2:00 p.m.	Same
Updated Joint Case Management Statement Due	July 27, 2020	Same
Private Mediation to be Completed by	July 30, 2020	Same
Commencement of Discovery	October 7, 2019	Same
Exchange of Initial Disclosures	October 14, 2019	Same
Deadline to Complete Fact Discovery	60 days after decision on class certification	Same
Last Discovery Motions Filed by	30 days prior to close of discovery	Same
Class Certification Motion and Supporting Expert Reports Due	September 30, 2020	February 3, 2021

EVENT	PRESENT DEADLINE	PROPOSED DEADLINE
Class Certification Opposition and Supporting Expert Reports Due	December 7, 2020	April 12, 2021
Class Certification Reply	January 8, 2021	May 14, 2021
Hearing on Class Certification	February 1, 2021 at 10:00 a.m.	June 7, 2021 at 10:00 a.m.
Disclosure of Expert Reports: All Experts, Retained and Non-Retained Must Provide Written Reports Compliant with FRCP 26(A)(2)(B)		
Parties' Expert Reports Filed by	60 days after decision on class certification	Same
Rebuttal Expert Reports Filed by	45 days after submission of initial expert reports	Same
Expert Discovery Cutoff:	30 days after submission of rebuttal expert reports	Same
Dispositive Motions <sup>1</sup> / Daubert Motions to be Filed by	45 days after close of expert discovery	Same
Dispositive Motion / Daubert Motion Opposition Brief Filed by	45 days after opening brief is filed	Same
Dispositive Motion / Daubert Motion Reply Brief Filed by	30 days after opposition brief is filed	Same
Compliance Hearing ( <i>see below</i> )	Friday, January 28, 2022 at 9:01 a.m.	Friday, June 3, 2022 at 9:01 a.m.
Joint Pretrial Conference Statement Due	February 4, 2022	June 10, 2022
Pretrial Conference	Friday, February 18, 2022 at 9:00 a.m.	Friday, June 24, 2022 at 9:00 a.m.

<sup>1</sup> See Standing Order regarding Pre-filing Conference Requirements for motions for summary judgment.

EVENT	PRESENT DEADLINE	PROPOSED DEADLINE
Trial Date	Monday, March 7, 2022 at 8:30 a.m. for Jury Trial	Monday, July 11, 2022 at 8:30 a.m. for Jury Trial

Pursuant to the Court's Pretrial Instructions in Civil Cases at Section 2, trial counsel shall meet and confer in advance of the Pretrial Conference. The compliance hearing on Friday, June 3, 2022 at 9:01 a.m. is intended to confirm that counsel have reviewed the Court's Pretrial Setting Instructions and are in compliance therewith. The compliance hearing shall be held in the Federal Courthouse, 1301 Clay Street, Oakland, California, in Courtroom 1. Five (5) business days prior to the date of the compliance hearing, the parties shall file a one-page JOINT STATEMENT confirming they have complied with this requirement or explaining their failure to comply. If compliance is complete, the parties need not appear and the compliance hearing will be taken off calendar. Telephonic appearances will be allowed if the parties have submitted a joint statement in a timely fashion. Failure to do so may result in sanctions.

The parties must comply with both the Court's Standing Order in Civil Cases and Standing Order for Pretrial Instructions in Civil Cases for additional deadlines and procedures. All Standing Orders are available on the Court's website at <http://www.cand.uscourts.gov/ygrorders>.

#### IT IS SO STIPULATED

DATED: May 27, 2020

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DATED: May 27, 2020

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DATED: May 27, 2020

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24 *Attorneys for Defendant Apple Inc.*

25 \*\*\*

26 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

27  
28 DATED: June 2, 2020

  
\_\_\_\_\_  
THE HONORABLE YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT COURT JUDGE